

**REMARKS**

Claims 1-33 are pending in this application with claims 1, 19, 26 and 29 being independent. Claim 1 is amended. Reconsideration in view of the following remarks is kindly requested.

**ALLOWABLE SUBJECT MATTER**

Applicants acknowledge the allowance of claims 19-25. Also in the outstanding Office Action, the Examiner indicates that claims 7-18 would be allowable if rewritten into independent form. Although applicants acknowledge that these claims contain allowable subject matter, the independent claims already contain features therein which define over the prior art of record.

**CLAIM REJECTION UNDER 35 USC §103**

Claims 1-6, and 26-33 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over De Cambray-Mathan (US 2003/0190917) in view of Crisler (US 5,175,559) in further view of Subramanian et al. (USP 5,907,810). This rejection is respectfully traversed.

In making this art grounds of rejection, the Examiner alleges that Subramanian applies the teaching of the “deleting” step in independent claims 1 and 26. Without acquiescing to the Examiner’s rejection reasons with respect to De Cambray-Mathan and Crisler, Applicants disagree that Subramanian et al. teaches the “deleting” step recited in claims 1 and 26 as alleged by the Examiner.

Applicants submit that the Examiner has taken the section in Subramanian et al., replied upon by the Examiner vis-à-vis rejecting claims 1 and 26, out-of-context.

Subramanian et al. does not teach deleting cells out of a network having the highest rank. Subramanian et al. teaches removing a cell having the highest paging traffic from a zone for paging purposes.

A mobile station must periodically re-register. A paging signal is sent to cells to request the mobile station to re-register. However, sending a paging signal to all the cells is undesirable; therefore, the paging signal is sent to only certain cells within a zone. Some cells may be located within more than one zone, and these cells may have dramatically increased paging. Column 3, line 56 to column 4, line 38. Accordingly, Subramanian et al. teaches removing cells with the highest paging traffic within a zone. Subramanian et al. does not suggest nor teach deleting highest rank cells from a network as recited in claims 1 and 26.

For clarification, Applicants have amended claim 1 to recite deleting the highest ranked cell from the network. Independent claim 26 includes similarly recitations to those in claim 1. Accordingly, even if the teachings of De Cambray-Mathan in view of Crisler in further view of Subramanian et al. are combined, the combination would still fail to teach all the features of claims 1 and 26.

For at least the reasons given above, Applicants submit that claims 1 and 26 are patentable over the combination of the Examiner's references. Dependent claims 2-6 and 27-33 are also patentable for depending on respective allowable base claims.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 1-6 and 26-33 in connection with the present application is earnestly solicited.

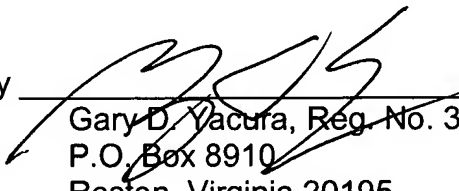
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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Gary D. Yacura, Reg. No. 35,416  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

GDY/LYP/cm